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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,525	04/15/2004	Yuji Kanome	03500.018076	6590
5514 7590 11/02/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER MCCLAIN, GERALD	
			ART UNIT 3653	PAPER NUMBER
			MAIL DATE 11/02/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/824,525

Applicant(s)

KANOME ET AL.

Examiner

Gerald W. McClain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 June 2007 has been entered.

### ***Claim Rejections - 35 USC § 112***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-16 and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

All rejections to claim 1 below also apply to claim 19.

In claim 1, it is unclear what is meant by the recitation, "detachable/attachable" in line 8. Does this mean detachable or (xor) attachable? Does this mean detachable and attachable? Does this recitation have some other meaning?

The phrase "is not coarse" in claim 12 is indefinite.

***Claim Rejections - 35 USC § 102***

Claims 1 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Trask, et al. (U.S. 5,116,034) ("Trask").

Claims 1 and 19: first stacking portion (26); second stacking portion (34); base member (20); tray (34); guide groove (54, 50, and 52); recording unit (column 1, line 7).

***Claim Rejections - 35 USC § 103***

Claims 1-11 and 19-20, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hewlett-Packard OfficeJet 600 Series Device ("HPOJ"; see "Examiner's Exhibit A" in the Office Action dated 12 March 2007) in view of Trask. HPOJ discloses:

Claims 1, 2, and 19: first stacking portion (3B; see the attached "Examiner's Exhibit A", page 3, letter B); second stacking portion (3C); base member (structure that connects 3C to 3B); (NOTE: in lines 7-10, the conditional phrases ("when") are construed such that they do not occur.)

Claims 1, 2, and 19: supplying roller (NOTE: there is implicitly a roller provided in HPOJ; either the first stacking portion or the second stacking portion is supplied by the supplying roller, but not necessarily both);

Claims 3 and 4: sheet supplying route blocking means (2D); an end portion of the sheet (4D); a sheet supplying route (3G);

Claim 5: a regulating portion (24);

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Claim 6: second stacking portion (3C);

Claim 7: guide means (2C);

Claims 8: a shape protruding on the upstream side (2C);

Claims 9 and 10: cover means (3H);

Claims 11: regulating means (3J);

Claims 20: an inkjet type (5B).

HPOJ does not *directly* show a tray with a guide groove.

Trask shows a similar device having a tray with a guide groove (34 with 54, 50, and 52) for the purpose of provide an improved, automatic, envelope/sheet feed mechanism (column 1, lines 48-50). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify HPOJ as taught by Trask and include Trask's similar device having a tray with a guide groove for the purpose of provide an improved, automatic, envelope/sheet feed mechanism.

Claims 1 and 12, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jang (U.S. 6,315,280) in view of Trask. Jang discloses:

Claim 1: first stacking portion (21); second stacking portion (11); supplying roller (31); base member (structure that connects 11 to 21);

Claim 12: a final limit forward portion (53); a protruded portion (24).

Jang does not *directly* show a tray with a guide groove.

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Trask shows a similar device having a tray with a guide groove (34 with 54, 50, and 52) for the purpose of provide an improved, automatic, envelope/sheet feed mechanism (column 1, lines 48-50). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Jang as taught by Trask and include Trask's similar device having a tray with a guide groove for the purpose of provide an improved, automatic, envelope/sheet feed mechanism.

Claims 13, as understood by the Examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over HPOJ in view of Trask and further in view of Jang and Watanabe, et al (U.S. 5,109,236) ("Watanabe"). HPOJ teaches all the limitations of the claim as discussed above. HPOJ does not directly show a sheet type discriminating sensor or a tray position detecting sensor.

Watanabe shows said sheet type discriminating sensor (1, 2) for the purpose of determining the type of the sheets (entire abstract). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify HPOJ as taught by Watanabe and include Watanabe's index sheet type discriminating sensor for the purpose of determining the type of the sheets.

In addition, Jang shows a tray position detecting sensor for sensing whether documents are loaded (abstract, line 4). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify HPOJ as taught

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by Jang and include Jang's tray position detecting sensor for sensing whether documents are loaded.

Claims 14-16, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over HPOJ in view of Trask. HPOJ teaches all the limitations of the claims as discussed above. HPOJ does not directly show an index on the first stacking portion as a line or a character.

HPOJ shows said index on the first stacking means as a line or a character for the purpose of indicating the size of the sheet (3E). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify HPOJ as taught by HPOJ and include HPOJ's index as a line or character on the second stacking means for the purpose of indicating the size of the sheet.

Claims 18, as understood by the Examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over HPOJ in view of Trask and further in view of Teo, et al (U.S. 6,942,211) ("Teo"). HPOJ teaches all the limitations of the claims as discussed above. HPOJ does not directly show a cover member or a sub cover member.

Teo shows said cover member (108) and sub cover member (120) for the purpose of folding up out of the way when necessary (column 2, line 52). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify HPOJ as taught by Teo and include Teo's cover member and sub cover member for the purpose of folding up out of the way when necessary.

***Response to Amendment***

Applicant's arguments with respect to claims 1-16 and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald W. McClain whose telephone number is (571) 272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a




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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gerald W. McClain  
Examiner  
Art Unit 3653



PATRICK MACKEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600